

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
JULY 11, 2007
FLAGSTAFF, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was held on July 11, 2007, at the Little America Hotel, located at 2515 E. Butler Avenue, Flagstaff, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Mr. Joseph Duarte
Attorney General Terry Goddard
Chief Jack Harris
Chief Patricia Huntsman
Ms. Wendy Larsen
Corporal Brandee Ralston
Director Dora Schriro
Chief Jerry Sheridan
Detective Robert Thompson
Director Roger Vanderpool

Members Absent:

Sheriff Clarence Dupnik
Dr. Michael Polakowski

Staff in Attendance:

Ted Brandon
Hop Bui
Rod Covey
Marie Dryer
Bob Forry
Tom Hammarstrom
Steve Jacobs
Gary Maschner
Lyle Mann
Paul Orfe
Sandy Sierra
Maria Valtierra
Rick Watling

Assistant Attorney General:
Diana Stabler

Guest Roster:

William Pitman, Eloy P.D.
Jim Zieler, St. Johns P.D.
Barry Pritchett, Eloy P.D.
Clinton Lee, Pinal County S.O.
Rich Kush, Chandler-Gilbert Community College
Ken Fixel, Gilbert P.D.
Rod Mendoza, Parker P.D.
Bill Amato, Tempe P.D.
Lisa Judge, Tucson P.D.
Tom Lister, BLM
Joseph Cuffari, DOJOIG
Ric Athey, ADOT/MVD
Gerald Richard II, Phoenix P.D.
Adam Shephard, Gila County S.O.
Tom Melcher, Gila County S.O.
John L. Pickens, ASU P.D.
Sherry Kiyler, Chandler P.D.
Terry Cooper, ADOJ
Bob Sutton, Navajo County S.O.
Dan Hughes, Surprise P.D.
Robby Robinson, Yuma P.D.
Jan Madeya, ACIP
Robert DeVries, Kingman P.D.
Mike Hogan, Eagar P.D.
Tom Clinkenbeard, ADOT/OIG
Tom Hain, Page P.D.
Ray Varner, Page P.D.
Patrick Haynie, Clarkdale P.D.
Stephen Smith, Clarkdale P.D.
Stella Bay, Pima Community College P.D.
David Brown, Rio Salado Community College
Ken Kimmel, Sierra Vista P.D.
Mark Stribling, Maricopa County Attorney's Office
William Ybarra, Nogales P.D.
Roy Bermudez, Nogales P.D.
C.E. Fuller, Maricopa County Attorney's Office
Mike Minter, Pinal County S.O.
Bill Haign, Pinal County S.O.
Chris Vasquez, Pinal County S.O.
John Harris, Sahuarita P.D.
Barb Harris, Marana P.D.
Chris Radtke, Pima County S.O.

Terry Altman, Pinal County S.O.
Steve Johnson, EAC Police Academy

A. CALL TO ORDER

Chairman Butler called the meeting to order at 2:02 p.m.

B. INTRODUCTIONS AND AWARDS

Director Hammarstrom introduced Officer Lynn Howe who was recently assigned to POST. She is on contract from the Phoenix Police Department and is assigned at POST as a Training Specialist.

He introduced and presented a plaque to Faith Fennel. Faith is an administrative assistant assigned to the Facilities Management Section of POST. Faith was presented with a plaque for her outstanding work at POST.

He also introduced and presented a plaque to Director Steve Johnson of the Eastern Arizona College police academy.

A canine “bite suit” was presented and given to the Correctional Officer Training Academy.

C. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Director Vanderpool, seconded by Corporal Ralston.

1. Minutes of the Regular Board meeting, held on May 16, 2007, were approved as written.
2. Minutes of the Charging Board meeting, held on June 13, 2007, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, August 15, 2007, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, September 19, 2007, 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
5. Decertification Case Status Report - As of May 31, 2007, the Compliance and Standards Unit had a caseload of 148 active cases. 9 cases are ready for initial presentation; 65 cases need further investigation; 21 cases are pending service of or response to a Notice of Complaint or Decision; 11 cases are pending hearing; 9 cases are ready for final action, and 33 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Income and Expense Statement - May 2007

Funds as of May 1, 2007	\$ 2,199,419.97
CJEF Revenue	731,280.71
Expenditures/Encumbrances	(665,686.48)
Balance for May 31, 2007	\$ 2,265,014.20

D. REGULAR AGENDA

1. Increased Staffing at ALEA
 Director Hammarstrom stated that due to the increase in basic training services, ALEA is requesting funding to add one police sergeant position and one civilian police technician position to its staff. Staff recommends that the Board approve funding for these positions.

 Chief Sheridan moved to approve the request for additional staffing at ALEA and provide funding for one police sergeant and one police technician, seconded by Chief Harris, motion carried unanimously.
2. Morrison Institute Report
 In September of 2006, the POST Board approved a contract with the Morrison Institute to conduct a study intended to identify the elements of public trust in Arizona law enforcement. Mr. Bill Hart and Dr. Richard Toon of the Morrison Institute presented their report to the Board.

This study was started approximately one year ago. The purpose of the study was to determine Arizonan's level of trust in their law enforcement. The results of the statewide opinion poll confirmed the Arizona public's general confidence in police. The results of this opinion poll will be posted on the AZ POST website and can also be viewed on the Morrison Institute's website.

3. Review of the 2007 COTA 360-Hour Basic Correctional Officer Curriculum Proposal

The Correctional Officer Training Academy (COTA) submitted for review a 2007 revision of the COTA 360 hour Basic Correctional Officer Curriculum as required by AZ POST Rule R13-4-205

Mr. Duarte made a motion to approve the 2007 Revision of the COTA 360 Hour Basic Correctional Officer Curriculum as presented by COTA for instruction in the Basic Correctional Officer Training Academy, seconded by Corporal Ralston, motion carried unanimously.

4. Update on AZ POST Comprehensive Final Exam (CFE)

Mr. Lynn Larson, AZ POST Certification and Testing Administrator, reported on the Arizona POST Comprehensive Final Exam (CFE) test results.

Procedures allow recruits who fail the initial CFE to retake it two days later at the academy. If they fail the retest, they may come to POST and take it one final time. A third failure would require the recruit to repeat the entire academy program in order to become certified.

5. Pinal County Sheriff's Office Petition on Behalf of Ross Teeple

Corporal Ralston recused herself from this case. The Pinal County Sheriff's Office has petitioned the Board to determine that the drug use by Ross Teeple between the ages of thirteen and sixteen was experimental. The Pinal County Sheriff's Office further petitions the Board to find that if the drug use was not experimental, it was nonetheless juvenile indiscretion.

Chief Sheridan moved to grant the petition that the pre-employment drug use by Ross Teeple was experimental, seconded by Director Vanderpool, motion carried with one nay vote.

6. City of Clarkdale Police Department Petition on Behalf of Ross Teeple

The City of Clarkdale Police Department has petitioned the Board to determine that the pre-employment drug use of various hard drugs, seventeen times between the ages of 17 and 27, by applicant Steve Smith was experimental.

The Board considered comments from Assistant A. G. Diana Stabler and Chief Patrick Haynie from the Clarkdale Police Department.

Corporal Ralston moved to deny the petition that the pre-employment drug use by Steve Smith was experimental, seconded by Chief Sheridan, motion carried with one nay vote.

The Board did not consider the second petition to find applicant Steve Smith's one time sale of speed to be juvenile indiscretion.

E. LEGISLATIVE UPDATE

Deputy Director Mann informed the Board that currently there is no legislation directly impacting POST.

F. SUMMARY OF CURRENT EVENTS

Director Hammarstrom informed the Board that the Basic Training and Facilities Advisory Group will meet on August 15, 2007.

G. COMMITTEE UPDATE

Gerald Richard, Director of the Administrative Support Division of the Phoenix Police Department is the Rules Advisory Committee Chairman. He reported that the Rules Committee met prior to the Board meeting and discussed updates on previous rule changes, steroids, and a statewide centralized training records system. The committee directed staff to address the issue of steroids and the centralized training records system and bring these back to the Rules Committee at a later date.

H. FACILITY PROJECT REPORT

Nothing new to report at this time.

I. REPORTS

1. Basic Training

ALEA – Commander Markley thanked the Board for approving the two extra positions for ALEA. This year they ran 12 academy classes and next year will run 15 classes. This is a significant increase. They currently have four active classes. There are 180 recruits on campus representing 17 agencies.

CARLOTA – The lead sergeant of CARLOTA Class 99 reported that this class began with 44 cadets and they now have 39. Two classes have recently graduated, one with 14 cadets and the other with 18 cadets. Class 99 is the first class CARLOTA that was held during the summer session.

CHANDLER-GILBERT – Director Kush reported they currently do not have a class in session but are recruiting for a late fall class.

COTA – Commander Branch reported they started 1391 recruits this fiscal year and graduated 1141. This is an 82% success rate. They currently have 175 cadets with another 30-40 projected in the next week. They started this fiscal year with a 20% vacancy rate and now that rate is 2.5%. They continue to extend their facilities to everyone.

NARTA – John Russell, NARTA Commander reported Class 22 graduated 31 cadets recently. Class 23 will start August 13, 2007. They presently have 46 recruits representing 13 agencies. NARTA track, site and construction plans are moving right along.

PAYSON TRAINING ACADEMY – Marie Dryer provided a report on behalf of Rod Mamero. They graduated eight recruits in June and all passed the CFE the first time. They will start another academy class in October.

PIMA COUNTY S.O. – Captain Keith Radke reported they have 37 recruits and plan on hiring 15 in October. They are currently undergoing a major facilities project in their training facility.

2. Department of Corrections – Director Schriro stated they have had a good year with the \$6800 raise approved by the legislature. Prior to the raise the attrition rate was 34% at the Lewis Prison. Now they have six vacancies out of 831 officer positions. They have increased their retention efforts by establishing a retention officer

position who meets with anyone who submits a resignation face-to-face to try and hold on to staff.

3. RCPI – Rod Covey reported the RCPI has taken on the initiative to provide leadership training around the country. Over the past six months they have provided the West Point Leadership Training Program to Connecticut, Massachusetts, California, Ohio, Maryland, Delaware, Washington State and Montana. Over the next six months they are booked every week providing training either in Arizona or out of country. Effective December 31, 2007, the Policing Institute will cease to exist. January 1, 2008 they will become the Center for Excellence and leadership and will continue with the many programs they provide. Regional supervision and leadership training will be provided.

J. FINAL ACTION CASES:

Case #1 – Eric Archer – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case.

The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment, seconded by Ms. Larsen, motion carried unanimously.

Case #2 – Ernest D. Mendez – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment, seconded by Corporal Ralston, motion carried unanimously.

Case #3 – Mica Barlow – Colorado City Marshal's Office

The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Chief Sheridan, motion carried unanimously.

Case #4 – Travis W. Faughn – AZ Department of Public Safety

Director Vanderpool recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Mr. Duarte, motion carried unanimously.

Case #5 – Christopher J. Young – AZ Department of Public Safety

Director Vanderpool recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris

made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Corporal Ralston, motion carried unanimously.

K. NEW CHARGING CASES:

Case #1 – Jason L. Brier – Globe Police Department

Chief Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried unanimously.

Case #2 – Richard S. Bruha – Phoenix Police Department

Chief Harris left the room and did not participate on this case. Corporal Ralston made a motion to **Initiate Proceedings**, seconded by Director Vanderpool, motion carried unanimously.

Case #3 – Thomas F. Durham – Glendale Police Department

Director Vanderpool made a motion to close this case with **No Action with Agency Discretion**, seconded by Corporal Ralston, motion carried unanimously.

Case #4 – Sean R. Tobin – Glendale Police Department

Director Vanderpool made a motion to close this case with **No Action with Agency Discretion**, seconded by Corporal Ralston, motion carried unanimously.

Case #5 – Mark Larkin – Mesa Police Department

Chief Sheridan made a motion to close this case with **No Action**, seconded by Chief Harris, motion carried unanimously.

Case #6 – Gary F. Layton – El Mirage Police Department

Director Vanderpool made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried unanimously.

Case #7 – Ronald L. Lotz – Scottsdale Police Department

Chief Huntsman made a motion to close this case with **No Action**, seconded by Chief Harris, motion carried unanimously.

Case #8 – John M. Pashain – Pima County Sheriff's Office

Chief Sheridan made a motion to **Research Further**, seconded by Chief Huntsman, motion carried unanimously.

Case #9 – Juan Yerba – Sahuarita Police Department

Chief Sheridan made a motion to **Research Further**, seconded by Director Vanderpool, motion carried with two nay votes.

Case #10 – Aaron M. Yubeta – Mammoth Police Department

Director Vanderpool made a motion to ***Research Further***, seconded by Chief Sheridan, motion carried unanimously.

L. CALL TO THE PUBLIC

Mr. Mike Palmer addressed the Board during the call to the public and encouraged a proposal that POST expand its role and centralize all internal affairs functions within the State.

M. ADJOURN

Chairman Butler adjourned the meeting at 4:05 p.m.